

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AMBAC ASSURANCE CORPORATION,

Plaintiff,

-v-

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

17 Civ. 2614 (PAE) (KHP)

ORDER

PAUL A. ENGELMAYER, District Judge:

On August 17, 2022, the Court heard argument on the parties' cross motions for partial summary judgment. A subject that arose at argument concerned whether the "Determination Date" identified in Section 2.03 of the Pooling and Servicing Agreement ("PSA") has a bearing on defendant's motion for partial summary judgment, based on the statute of limitations.<sup>1</sup> Defendants' argument in the affirmative did not appear in its briefs, but appears colorable. To ensure a thorough assessment, the Court instructs counsel to file supplemental letter briefing limited to that discrete issue.

Plaintiff shall file its supplemental letter, no longer than 5 single-spaced pages, by **Tuesday, August 23, 2022 at 5pm**. Defense shall file its response letter, no longer than 5 single-spaced pages, by **Friday, August 26, 2022**, at 5pm. Plaintiff may file a reply letter, no longer than 3 single-spaced pages, by **Monday, August 29, 2022**, at 5pm.

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<sup>1</sup> An example of one such PSA, for the HarborView Mortgage Loan Trust 2005-8, can be found in Exhibit 6 to the Declaration of Michael T. Marcucci in support of U.S. Bank National Association's Motion for Partial Summary Judgment. *See* Dkt. 244-6.

SO ORDERED.

  
PAUL A. ENGELMAYER  
United States District Judge

Dated: August 18, 2022  
New York, New York